

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FREE HOLDINGS INC.,

*Plaintiff,*

-against-

KEVIN McCOY and SOTHEBY'S INC.,

*Defendants.*

ECF CASE

Case No.: 1:22-cv-00881-JLC

**NOTICE OF DEFENDANT  
SOTHEBY'S INC.'S MOTION TO  
DISMISS THE AMENDED  
COMPLAINT PURSUANT TO  
FEDERAL RULES OF CIVIL  
PROCEDURE 12(b)(1) AND 12(b)(6)**

PLEASE TAKE NOTICE that upon, (i) Defendant Sotheby's Inc.'s Memorandum of Law in Support of its Motion to Dismiss the Amended Complaint, joining the motion filed by Defendant Kevin McCoy and all supporting papers therein, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6); and (ii) the Declaration of Evan M. Rothstein in Support of Defendant Sotheby's Inc.'s Motion to Dismiss the Amended Complaint and the exhibits attached thereto, Defendant Sotheby's Inc. moves this Court, before the Honorable James L. Cott, United States Magistrate Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court, for an Order dismissing with prejudice all claims asserted by Plaintiff Free Holdings Inc. against it in the Amended Complaint, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and for such other relief as the Court may deem just and proper. Plaintiff's opposition to this motion shall be filed on or before August 15, 2022, and Defendants' replies in further support of their motions shall be due on or before September 2, 2022. PLEASE TAKE FURTHER NOTICE that, in connection with the above, Sotheby's also seeks an order granting leave for video footage to be filed as exhibits in this matter, a proposed order for which is filed concurrently herewith.

Dated: New York, New York  
June 30, 2020

ARNOLD & PORTER KAYE SCHOLER LLP

By /s/ Evan M. Rothstein  
Evan M. Rothstein

Evan M. Rothstein (admitted *pro hac vice*)  
1144 Fifteenth Street | Suite 3100  
Denver, CO 80202-2569  
T: +1 303.863.2308  
F: +1 303.863.1000  
[Evan.Rothstein@arnoldporter.com](mailto:Evan.Rothstein@arnoldporter.com)

Theresa M. House  
250 West 55<sup>th</sup> Street  
New York, NY 10019-9710  
Telephone: +1 212.836.8000  
Fax: +1 212.836.8689  
[Theresa.House@arnoldporter.com](mailto:Theresa.House@arnoldporter.com)

*Attorneys for Defendant Sotheby's Inc.*

TO:

Moish E. Peltz  
Falcon Rappaport & Berkman PLLC  
1185 Avenue of the Americas  
Ste Third Floor  
New York, NY 10036  
212-203-3255  
Email: [mpeltz@frblaw.com](mailto:mpeltz@frblaw.com)

Jessica Moore  
Falcon Rappaport & Berkman PLLC  
265 Sunrise Highway  
Suite 50  
Rockville Centre, NY 11570  
516-708-3546  
Email: [jmoore@frblaw.com](mailto:jmoore@frblaw.com)

*Attorneys for Plaintiff*

William L. Charron  
Nicolas G. Saady  
Robert J. deBrauwere  
Pryor Cashman LLP  
7 Times Square  
New York, NY 10036  
212-421-4100  
Email: [wcharron@pryorcashman.com](mailto:wcharron@pryorcashman.com)  
Email: [nsaady@pryorcashman.com](mailto:nsaady@pryorcashman.com)  
Email: [rdebrauwere@pryorcashman.com](mailto:rdebrauwere@pryorcashman.com)

*Attorneys for Defendant Kevin McCoy*